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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

SEP 23 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

To: The Commission

**CONSOLIDATED OPPOSITION OF
PULITZER BROADCASTING COMPANY
TO SUPPLEMENTS TO PETITIONS FOR RECONSIDERATION**

Pulitzer Broadcasting Company ("Pulitzer"), the licensee of nine television broadcast stations, two television satellite stations, and the permittee of a third television satellite station,¹ by its attorneys, hereby submits this Consolidated Opposition to Supplements to Petitions for Reconsideration ("Supplements") of the Fifth Report and Order² and the Sixth Report and Order³ filed in the above-referenced proceeding. Pulitzer hereby reiterates its general support of

¹ Pulitzer, either directly or through wholly-owned subsidiaries, is the licensee of the following television broadcast stations: WDSU, New Orleans, LA; WESH, Daytona Beach, FL; WGAL, Lancaster, PA; WLKY, Louisville, KY; WXII, Greensboro, NC; WYFF, Greenville, SC; KCCI, Des Moines, IA; KETV, Omaha, NE; and KOAT, Albuquerque, NM. In addition, Station KOAT operates satellite television stations KOCT, Carlsbad, NM and KOVT, Silver City, NM, and is the permittee for Station KOFT, Gallup, NM.

² Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, MM Docket No. 87-268, FCC 97-116, 62 Fed. Reg. 26966, (released April 21, 1997) ("Fifth Report and Order").

³ Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, MM Docket No. 87-268, FCC 97-115, 62 Fed. Reg. 26684, Sixth Report and Order (released April 21, 1997) ("Sixth Report and Order").

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the Commission's decisions in the Fifth Report and Order and the Sixth Report and Order, which adopted a nationwide Digital Television ("DTV") Table of Allotments and Assignments (the "initial DTV Table") and related rules. Pulitzer remains opposed to widespread changes in the initial DTV Table and related rules.⁴ Such changes would be contrary to the public interest -- they would introduce significant delays, require extensive Commission resources, and likely create yet another set of objections leading to additional reconsideration petitions and conflict among licensees.

Many of the Petitions for Reconsideration failed to make specific requests for DTV channel changes or increases in DTV transmission power or antenna height, stating that OET Bulletin 69 had not yet been issued. When OET Bulletin 69 was issued, the Commission decided to permit petitioners to supplement their petitions on or before August 22, 1997.⁵ More than 60 parties supplemented their Petitions for Reconsideration.⁶ The majority of the Supplements propose specific DTV channel changes to the initial DTV Table. However, some Supplements contain policy arguments of a general nature

⁴ See Petitions for Reconsideration of Association of Local Television Stations, Inc.; Paxson Communications Corp. et al; Sinclair Broadcasting Group, Inc.; and Viacom, Inc.

⁵ See Order in MM Docket No. 87-268, DA 97-1377, released July 2, 1997.

⁶ Public Notice Report No. 2222, "Supplemental Petitions for Reconsideration and Clarification in Rule Making Proceeding," 62 F.R. 47207 (Sept. 8, 1997).

that were not tied to the issuance of OET Bulletin 69. At this stage of the proceeding, the Commission should not entertain new arguments unrelated to the issuance of OET Bulletin 69. To the extent that the Supplements raise such issues for the first time, they should be dismissed as untimely.

I. REQUESTS ON RECONSIDERATION FOR SPECIFIC CHANGES IN DTV CHANNEL ASSIGNMENTS SHOULD NOT BE GRANTED UNLESS THEY EITHER WILL NOT CAUSE INTERFERENCE, OR THEY WILL RESULT IN NET REDUCTIONS IN INTERFERENCE.

The vast majority of the Supplements advocate specific changes in DTV channel assignments. To streamline the review of requests for changes in DTV channel assignments during the reconsideration phase of this proceeding, Pulitzer urges the Commission to adopt guidelines that are consistent with the fundamental policies inherent in the Fifth Report and Order and the Sixth Report and Order. First, as a basic proposition, no changes in the initial DTV Table should be made on reconsideration that would result in interference to NTSC signals or new DTV channels, unless such changes would result in net reductions in interference when measured against the interference in the initial DTV Table. While many of these proposed changes may result in net gains in DTV coverage for the proponents, the Commission must weigh the potentially adverse consequences of such changes on all affected parties. Indeed, some proposals may result in net reductions in interference to the benefit of all concerned, but others may cause harmful interference either to

existing NTSC signals or to the new DTV signals contemplated in the initial DTV Table.

Second, Pulitzer urges the Commission simply to deny those reconsideration proposals that seek changes in the initial DTV Table to achieve a general increase in DTV coverage without regard to replication. Denial of such requests would be consistent with the Commission's adoption of specific procedures in the Sixth Report and Order to permit stations to pursue maximization of coverage on a case-by-case basis after adoption of the initial DTV Table.⁷ Changes in the initial DTV Table on reconsideration should be limited to situations involving major problems with the initial DTV channel assignment, such as extremely-low replication, and should be granted only if replication will be significantly improved without interference to NTSC or other DTV channels. In any event, the final resolution of the DTV Table should not be held hostage to DTV channel change requests that should properly be made in separate "maximization" or "upgrade" applications.

Some parties have sought changes in DTV channel assignments to secure DTV channels within the "core" spectrum. Proposed changes of this nature should be considered by the Commission only in the limited circumstances where: (1) the station's NTSC channel is outside of the core spectrum;⁸ and (2)

⁷ See Sixth Report and Order, ¶31.

⁸ Under those circumstances a station would not enjoy the option of reverting to the NTSC channel at the end of the transition.

where the proposed alternative DTV channel would not cause harm to other DTV channels or to NTSC signals. Pulitzer hereby opposes requests not meeting these criteria. In any event, DTV channel changes of this nature could be minimized greatly by early adoption of a DTV core spectrum that includes the lower VHF channels (2-6).⁹

In some instances, the Supplements are vague and fail to indicate either the specific DTV channel to be assigned, or the extent to which new interference will result from the proposed changes. For example, the Supplement of Sierra Television LLC ("Sierra") seeks a correction of the database and the re-assignment of a new DTV channel to achieve full replication.¹⁰ Pulitzer does not oppose Sierra's request to correct the database and to assign an appropriate DTV channel. However, Pulitzer urges the Commission to exercise caution in making use of either Channels 10 or 12 for a new DTV channel assignment to avoid interference to Pulitzer's station KOVT in Silver City, New Mexico. Similarly, the licensee of WFMZ-TV, NTSC Channel 69, Allentown, Pennsylvania, seeks reconsideration of its DTV Channel 46 assignment.¹¹ A specific substitute DTV channel is not specified by WFMZ-TV. However, Pulitzer notes

⁹ See Petition for Reconsideration of Pulitzer Broadcasting Company filed June 13, 1997, at 14.

¹⁰ See Supplement to Petition for Reconsideration filed by KM Communications, Inc. and Sierra Television LLC, Aug. 22, 1997, ¶. 2-3.

¹¹ See "Supplement to Petition for Reconsideration" filed by Maranatha Broadcasting Company, Inc. on Aug. 22, 1997.

that WGAL(TV), Lancaster, Pennsylvania (NTSC Channel 8; DTV Channel 58) is referenced in the attached Engineering Exhibit in the discussion of alternative DTV channels. The Engineering Exhibit appears to conclude that use of DTV Channel 8 by WFMZ-TV at Allentown would be too severely short-spaced to WGAL(TV) to be a viable alternative DTV channel.¹² Pulitzer agrees. While Pulitzer does not oppose WFMZ's request for an alternative DTV channel assignment, Pulitzer again urges the Commission to exercise caution in making a revised DTV assignment to WFMZ to avoid interference to WGAL's NTSC and DTV channels.

II. REQUESTS FOR SWEEPING CHANGES IN THE INITIAL DTV TABLE ARE NOT IN THE PUBLIC INTEREST AND SHOULD NOT BE GRANTED.

Nothing in either OET Bulletin 69 or the Supplements alters Pulitzer's belief that broadcasters should work with the Commission to implement the initial DTV Table to the maximum extent possible without sweeping changes on reconsideration. Accordingly, Pulitzer continues to oppose the Petitions that seek a general increase in the minimum authorized power of UHF DTV channels during the analog-to-digital transition. Until such time as DTV propagation and DTV interference characteristics are studied under actual field conditions, and are generally well-understood, it would be grossly premature to adopt a sweeping change in the authorized DTV transmission power for a broad class of stations. While Viacom's proposed minimum transmission power

¹² The precise meaning is unclear as it appears that words are missing. Engineering Exhibit of Larry H. Will, P.E., Id. at 6.

of 250 kW for UHF DTV channels in the future may prove to be feasible for many UHF DTV channel assignments, adoption of an across-the-board "floor" at this time would be premature. Indeed, the Commission's procedures for the "maximization" of DTV transmission power by individual stations on a case-by-case basis should be adequate to meet the desires of UHF station advocates as they must be balanced against the needs of all other stations.

III. CONCLUSION.

Pulitzer continues to oppose all requests for changes in the initial DTV Table that would result in either new interference to its full-service NTSC stations during the transition, or a permanent reduction in DTV coverage on any of its DTV channel assignments in the initial DTV Table. Pulitzer urges the Commission to adopt a streamlined approach to review the requests for specific channel changes in the pending Petitions and Supplements. Requests for extensive changes to the initial DTV Table such as adoption of an across-the-board power floor for UHF DTV channels should not be granted. Requests for specific DTV channel assignment changes should be granted only in limited circumstances, and no changes in the initial DTV Table should be made on reconsideration that would result in interference to NTSC signals or new DTV channels, unless such

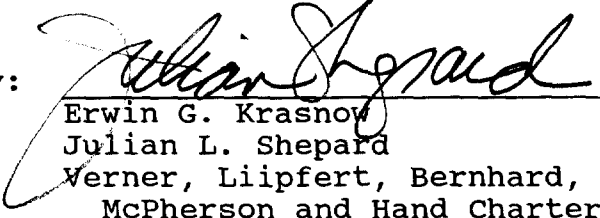
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changes would result in net reductions in interference when measured against the interference in the initial DTV Table.

Respectfully submitted,

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September 23, 1997

CERTIFICATE OF SERVICE

I, Bridget Y. Monroe, hereby certify that on this 23rd day of September, 1997, caused a copy of the foregoing "Consolidated Opposition of Pulitzer Broadcasting Company to Supplements to Petitions for Reconsideration" to be served by first class mail, postage prepaid to:

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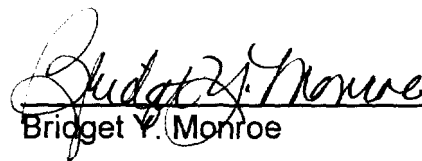
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